

# Why aren't migrant domestic workers in Malaysia getting a day off?

"My employer never saw a calendar."

January 2024



PROJECT LIBER8

ratio  
cause

PORTICUS

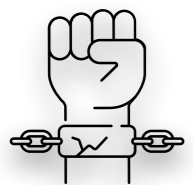
# Background to the report



In 2019, there were **129,168** registered migrant domestic workers (MDWs) in Malaysia, but the real figure is between **200,000 to 300,000**, as many work irregularly.



Around **1 in 5 households** in Malaysia employ a migrant domestic worker.



In 2023, the ILO found that around **a third of MDWs** in Malaysia are in forced labour.

# Background to the report



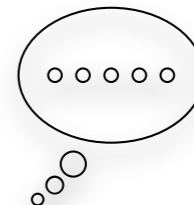
This research was undertaken at the end of 2023 to examine the extent to which MDWs get a weekly rest day. The findings are based on data collected from:



A survey of  
**108** MDWs  
Indonesian: 68%  
Filipina: 31%



A survey of  
**100** employers  
of MDWs



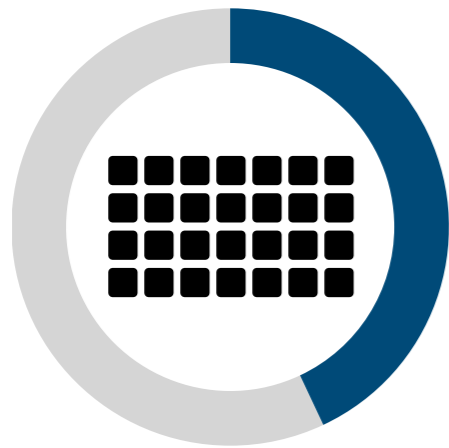
Focus group  
discussions with  
**11** employers of  
MDWs

# Few MDWs get a weekly rest day



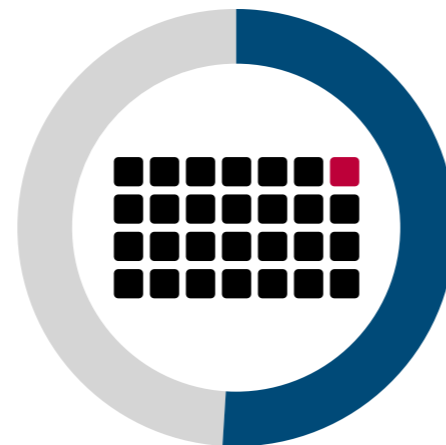
Of the MDWs who took part in the research:

**43%** worked  
7 days a week

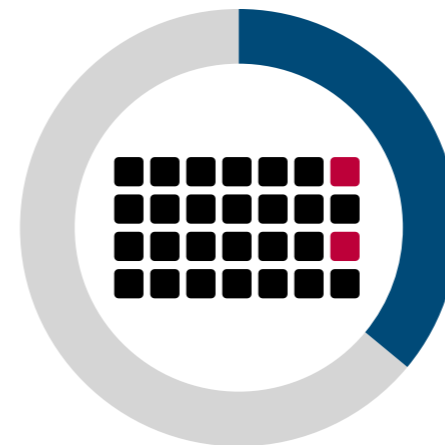


**41%** occasionally  
got a rest day:

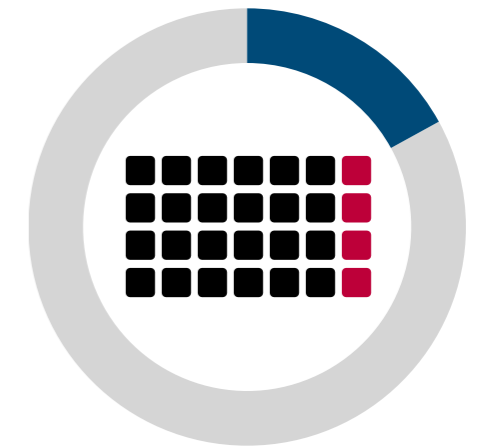
**51%**  
once a  
month



**36%**  
once a  
fortnight



**17%** got a  
weekly rest day

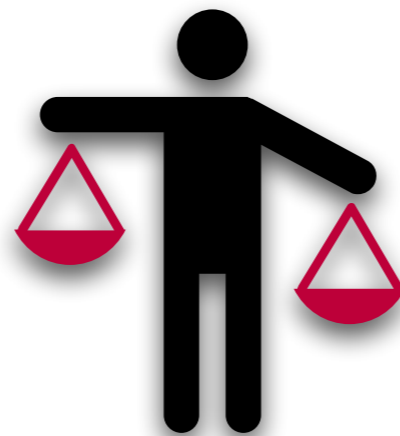


# Few MDWs get a weekly rest day



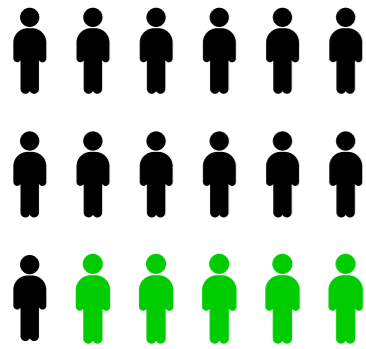
By asking about the frequency of rest days, the research identified the MDWs who get a weekly rest day in theory but not in practice (**41%**). This explains the following disparity in the research:

**63%** of employers said they give a weekly rest day.

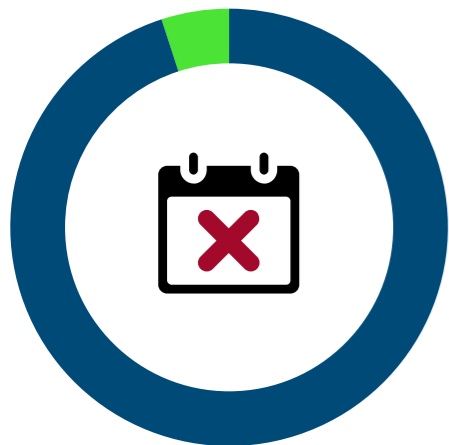


**17%** of MDWs said that they got a weekly rest day.

# Few MDWs get a weekly rest day



Of the **18 MDWs** who got a weekly rest day, **13** either worked for some time before they were given one, or they had a previous employer in Malaysia who did not give them a day off.



Consequently, **103 MDWs (95%)** had experience of being deprived of their weekly rest day in Malaysia.

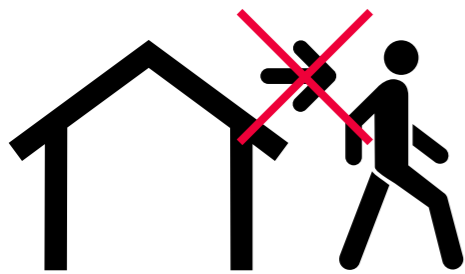
# Few MDWs get a weekly rest day



Most MDWs work on their day off. Of those MDWs who got at least an occasional day off:

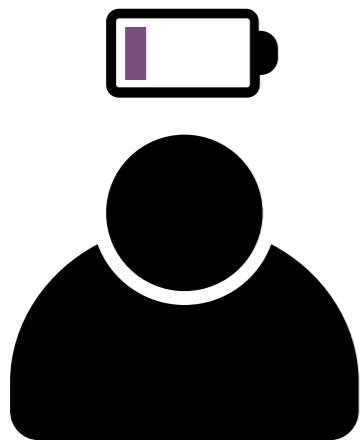


**79%** had to, or sometimes had to, work on their day off (for an average of **4.5** hours).



Around **20%** also reported that they either had to work more hours on other days, or were not always free to leave their employer's home on their day off.

# Detrimental health impacts

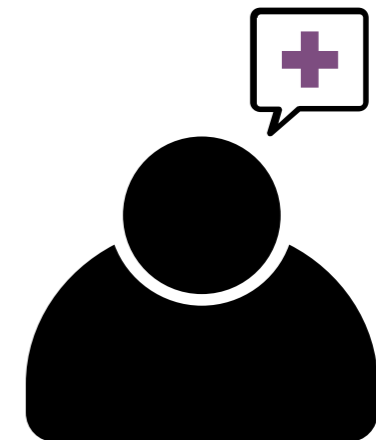


**78%** of MDWs said not having a rest day impacted their mental and physical wellbeing.



Participants most commonly reported feeling:

- Stressed (**55**)
- Tired (**33**)
- Depressed (**24**)



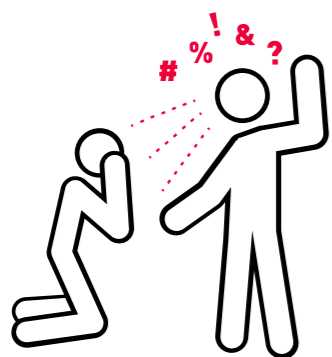
**18** women reported a deterioration in their physical and/or mental health.



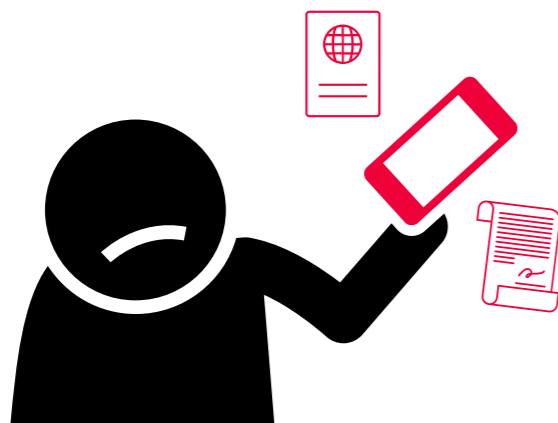
# Barriers



## The actions of employers



**15%** of MDWs were subjected to physical violence, threats and/or verbal abuse by their employer because they asked for a day off.



**51%** of MDWs had personal property taken by their employer/agency, including:

Passports: **95%**

Contracts: **56%**

Phones: **39%**

# Barriers



## The actions of employers

**72** MDWs asked for a weekly day off, but only **9** received one. The reasons most often used by employers for refusing were that:

**28** They would run away if given a rest day.

**22** There would be no one else to perform their duties.

**19** They had no right to a day off.

# Barriers



## Public attitudes

“domestic helpers”

MDWs are often referred to as “**domestic helpers**” and this may foster a perception that they are not formal employees.

“part of the household”

**4%** of employers said MDWs are not workers but “**part of the household**”.

“a less formal working arrangement”

**15%** of employers said they had “**a less formal working arrangement**” in which they supported the MDW in return for help around the house.

# Barriers



## Public attitudes

Some employers sympathised with the view that MDWs should not have the same labour rights as other workers because:

**36%**

“They have a poor work ethic and cannot be trusted.”

**27%**

“They don’t work a lot of the time and their work is easy.”

# Barriers



## Public attitudes

These views seem to reflect negative social attitudes towards migrants, rather than personal experience.

While these perceptions persist, there will be little social pressure on either employers or the Malaysian Government to act differently.

### Example:

**59%** of Malaysians think migrants commit a high number of crimes.



# Barriers



## Awareness of rights



**44%** of MDWs did not know they were entitled to a weekly rest day when they started working in Malaysia.



For nearly **two thirds** of this group, it took more than **2 years** before they realised this was the case.

# Barriers



## Awareness of rights

Awareness needs to be raised, as MDWs with more knowledge are better able to secure their rights. Of those who got a weekly day off:

↓  
**100%**  
were  
over 35.

↓  
**78%** knew they  
were entitled to  
a rest day when  
they started  
working.

↓  
**72%** had been in  
Malaysia for over  
10 years.

# Barriers



## Lack of legal safeguards



MDWs are excluded from key protections in the Employment Act.



MDWs are reluctant to report exploitation as their work permit is tied to their employer, and a dispute could lead to them being fired and having to return home.



There is a lack of enforcement: just **5 employers** were prosecuted for violating MDWs' rights between 2014 and 2018.



# Barriers



## Migration costs



In theory, the amount recruitment agencies can charge is limited, but, in practice, costs are often around **RM 20,000 (US\$4,200)**.



**90%** of MDWs pay to migrate and those with debts to repay are more at risk of exploitation.

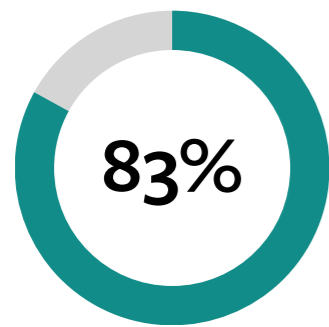


The high fees may also contribute to employers refusing rest days because they want to '**get their money's worth**' or fear their MDW will abscond after they have paid the up-front costs.

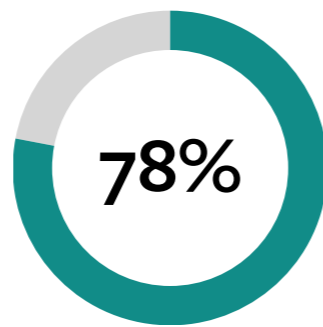
# Opportunities



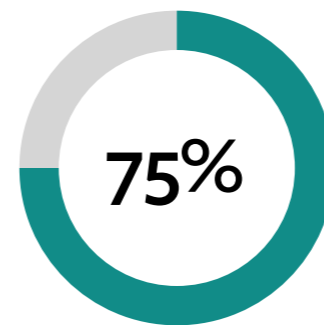
## Employers value the work MDWs do



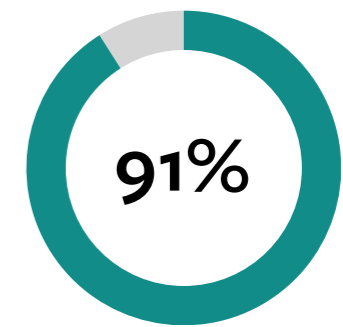
83%  
of employers considered MDWs to be dedicated to their job and responsibilities.



78%  
of employers valued the work performed by their MDW.



75%  
of employers agreed MDWs handled their tasks effectively.

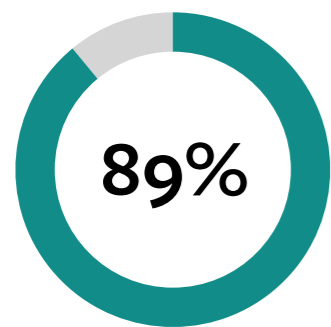


91%  
of employers agreed that giving MDWs a day off would improve their work performance, motivation and job satisfaction.

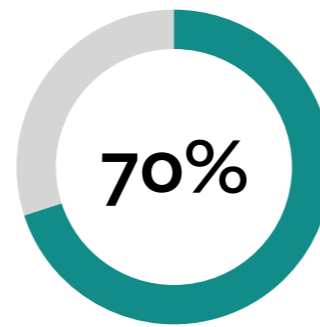
# Opportunities



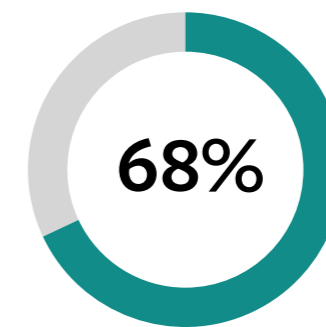
## Employers support a weekly rest day



of employers agree that MDWs should have a weekly rest day.



of employers also agree that they should not have to do any work on their rest day, and should be free to leave the house if they want to.



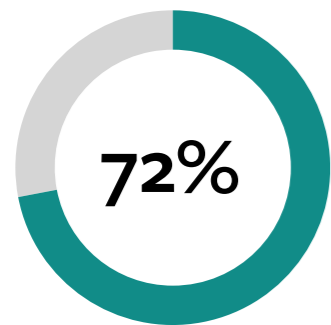
of Malaysians support improved labour conditions for MDWs (the public has more positive attitudes towards MDWs than other migrant workers).

# Opportunities

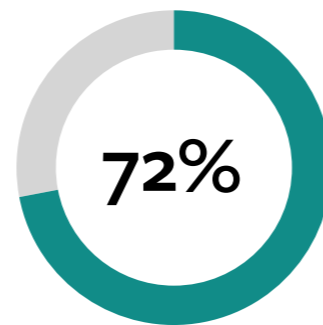


## Support could be further increased

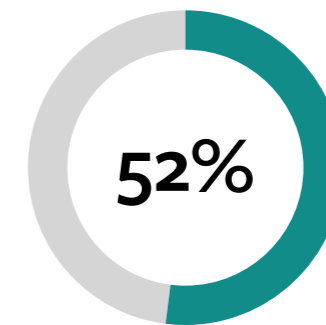
Employers said their support for a weekly rest day would increase if:



The Government passed a law to this effect.



The costs of hiring MDWs was reduced through action to stop corruption and the high fees charged by recruitment agencies.



Arrangements were made to ensure that rest days did not disrupt the household routine.

# Opportunities



## Support could be further increased

- Migration costs for both employers and MDWs could be reduced by lowering the fees charged by the Government and recruitment agencies.
- Allowing MDWs to change employers, live-out and work part-time would:
  - ✓ reduce exploitation;
  - ✓ encourage regular migration; and
  - ✓ make it easier for employers to recruit cover when their MDWs take a day off.

# Key recommendations



## For the Government of Malaysia

- Introduce national legislation guaranteeing MDWs a 24-hour weekly rest day and other core labour rights, along with a standard employment contract for all MDWs, irrespective of nationality.
- Ensure MDWs do not pay recruitment costs and that they are not tied to a single employer or forced to live with them.
- Reduce costs to employers by lowering government fees, and better regulating recruitment agencies and the fees they charge.

# Key recommendations



## For the Government of Malaysia

- Introduce compulsory workshops for both employers and MDWs so they understand each other's rights and responsibilities.
- Carry out unannounced labour inspections of homes/recruitment agencies, and prosecute all those who are not complying with the law.
- Raise public awareness of the contribution that MDWs make to the national economy and the skilled nature of the work they perform.